

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONALD T. ELLIS,
Plaintiff

v.

JO ANNE B. BARNHART,
Commissioner of the
Social Security Administration,
Defendant

:
: CIVIL ACTION
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:
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: No. 04-CV-3468
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:
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ORDER

ANITA B. BRODY, J.

AND NOW, this day of , 2005, after careful review of the Report
and Recommendation of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Plaintiff's motion for summary judgment is GRANTED.
3. The Defendant's motion for remand is DENIED.
4. This matter is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g).

BY THE COURT:

ANITA B. BRODY, J.

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ORDER OF JUDGMENT

ANITA B. BRODY, J.

AND NOW, this day of , 2005, in accordance with my
order approving and adopting the Report and Recommendation of United States Magistrate
Judge Timothy R. Rice, and in accordance with Federal Rule of Civil Procedure 58, judgment is
hereby entered REMANDING the decision of the Commissioner that denied benefits to plaintiff
Donald T. Ellis.

BY THE COURT:

ANITA B. BRODY, J.